

The following paper *The 1657 Flushing Remonstrance in Historical Perspective* by David Voorhees was the Keynote Speech of the New York State History Conference in Cooperstown, NY, Friday June 8, 2007. The paper was given in recognition of the 350<sup>th</sup> Anniversary of the Flushing Remonstrance.

## The 1657 Flushing Remonstrance in Historical Perspective

by David William Voorhees

We take the phrase “freedom of conscience” so for granted today that we forget what a remarkable and difficult concept it is. The idea that one can hold beliefs at variance with the majority in a community and not be a threat to the common good of that community is most fragile. Indeed, as late as the 1950s Americans were persecuted, if not prosecuted, for thinking differently than others. Even today, the freedom to express one’s conscience, whether doctrinal or ideological, remains a liberty that all sides of the political spectrum still feel safe to attack when that expression conflicts with their own agendas and beliefs. Liberals attack conservatives as rabidly for their right to express their beliefs as conservatives attack liberals. A 1657 petition from a small community of English Independents to the New Netherland government arguing for the extension of liberty of conscience is thus a significant document in understanding the development of a right that we view as fundamentally American.

That the legal battle to establish freedom of conscience in North America should first occur in New Netherland is not an accident. In the Dutch Republic, freedom of conscience was enshrined in the 1579 Union of Utrecht, the Republic’s basic constitutional document. Article 13 of the Union specifically states, “each person shall remain free, especially in his religion, and that no one shall be persecuted or investigated because of their religion.”<sup>i</sup> The development of this liberty in the Low Countries had a long history, first articulated in the 1339 treaty between Brabant and Flanders.<sup>ii</sup> Although this guarantee applied only to private beliefs and not public worship, its embodiment in the sixteenth-century Dutch constitution as a cornerstone in the

foundation of their state makes the Dutch truly unique. It is important to understand, then, that it is to the Dutch constitution that New Netherland's religious minorities, such as Lutherans, Jews, and Quakers, appealed when requesting toleration. As the Flushing Remonstrance petitioners proclaim, this liberty "is the glory of the outward State of Holland."<sup>iii</sup>

Vlissingen (as Flushing, Long Island, was then known) town clerk Edward Hart wrote this remarkable paper, signed by thirty-one fellow townsmen on December 27, 1657, in opposition to West India Company Director-General Petrus Stuyvesant's harsh ordinance against anyone found harboring Quakers. Citing the "freedom from molestation" clause of their town charter granted in 1645 "in the name of the States General" by West India Company resident director Willem Kieft, the petitioners protested "we can not condemn them [Quakers]" nor "punish, banish or persecute them." As a result of their action, Stuyvesant charged that the town had violated the director-general's orders and New Netherland's charters, which stated "no other religion shall be publicly admitted in New Netherland except the Reformed." Stuyvesant arrested Hart, Vlissingen schout Tobias Feake, who delivered the remonstrance to him, and two other Vlissingen magistrates who had signed the document. Under this pressure the signatories recanted the document and admitted their "error."<sup>iv</sup>

Before we condemn Stuyvesant's actions, we must place him and the 1657 petitioners in the context of their era. The West India Company had been chartered in 1621 as a Calvinist arm in the Dutch wars against Catholic Spain, with its initial objective being privateering against the rich fleets of the Spanish Main. Although Calvinism was a minority religion in the Netherlands, the Reformed Church as formulated at the 1618-1619 Synod of Dordrecht was established as the only public church in the Company's colonies.<sup>v</sup> Moreover, full religious toleration was virtually

universally viewed as weakening society and throwing populations into chaos and civil war. Did not the contemporary examples of France, the German states, and England's bloody civil war justify such opinions? The Company's directions to its directors were to create strong cohesive societies in the Company's colonies, and religious conformity was seen as a primary step in achieving that objective.<sup>vi</sup> Indeed, in an age of religious enthusiasm, Quakers and other sectarians were problematic: they disrupted religious services, shouted down ministers, harangued passers by, and generally made themselves obnoxious by avidly seeking persecution and martyrdom.<sup>vii</sup>

Furthermore, the inhabitants of Vlissingen were hardly passive victims in a moral struggle for toleration. Rather, they had long been instigators of religious dissent. Originally Independents fleeing Puritan conformity in New England, these men and women were as averse to conforming to Reformed orthodoxy under a Dutch government as they had been to complying with Anglican or Puritan orthodoxy under the English. They not only refused to support the Dutch Reformed church once in New Netherland but also an English Presbyterian minister, Francis Doughty, whom Stuyvesant had supplied for them. As can be seen, then, the community was particularly open to the radical concepts of denying magistracy and clergy being promoted by the disciples of George Fox— that is, the Quakers. Indeed, though Stuyvesant managed to crush the Vlissingen opposition to his religious policy in 1657, the “abominable sect” would soon resurface in that community. In 1662 Stuyvesant had Vlissingen inhabitant John Bowne arrested for holding Quaker “conventicles” in his home. Bowne was banished from the province and dispatched aboard the first vessel to Holland.<sup>viii</sup>

In Holland, John Bowne became in 1663 the principal actor in obtaining religious liberty for Quakers in New Netherland. But we need to stop here and take another look at the 1657 Flushing Remonstrance. It has been suggested that Roger Williams's Rhode Island provided a model for the Remonstrance. A close examination of the document, however, reveals that the petitioners are using a Dutch legal form—that is, the petition—and basing their arguments on Dutch, not English, constitutional law.<sup>ix</sup> Four times the remonstrants invoke the “fundamental law,” or constitution, “of the States General.” If the “law of love, peace and liberty in the states extend[s] to Jews, Turks [Muslims], and Egyptians [Gypsies],” the petitioners plead, then does it not extend to “all in Christ Jesus?” It is a pregnant argument that the Amsterdam directors could not deny.

That in 1663 the West India Company directors in Amsterdam rejected Stuyvesant's policy and granted religious toleration, as long as the minority gave no offense to their neighbors or did not oppose the government, was not just based on pragmatic needs to increase the population or as a desire to create peace and concord within the community, it was based on a legal fact.<sup>x</sup> The 1625 Provisional Orders had instructed the Company to follow the laws of Holland and Zeeland, and in 1654 the States of Holland, the supreme authority, had rejected the appeals of the Dutch Reformed Synod to impose doctrinal conformity as having “very dangerous consequences.”<sup>xi</sup> The Company could hardly afford a lengthy suit before the Supreme Court (*hogenraed*) of Holland in which they would undoubtedly lose.

Article 13's guarantee of freedom of conscience has become one of the legacies of the Dutch Republic's constitution to become enshrined as an American liberty. Although the Flushing Remonstrance was largely forgotten until the nineteenth century, the “fundamental law

of Holland” to which it appealed was not. For seventeenth- and eighteenth-century Europeans and Americans, the Republic was seen as a beacon of enlightened government.<sup>xii</sup> Throughout the eighteenth century, European, English, and American almanacs reprinted the 1581 Act of Abjuration, by which the Republic had declared its independence from Spain, and the 1579 Union of Utrecht, the Republic’s basic constitutional document containing its guarantee of liberty of conscience, making these documents as well known in the early modern era as the American Declaration of Independence and Bill of Rights are today.<sup>xiii</sup> Thomas Jefferson’s 1776 Declaration of Independence so closely follows the Act of Abjuration in construction that some scholars believe that the Act served as a model for Jefferson, while the influence of the Union of Utrecht on the Articles of Confederation and the U.S. Constitution has been long noted.<sup>xiv</sup>

The struggle for freedom of conscience was never smooth in the Old World or the New. Movements toward confessional and ideological conformity constantly threatened toleration within the Dutch Republic and continue to do so in America today. It is only by understanding the complexity of the concept, the validity of the arguments on both sides, and the recognition that minorities often use toleration to advance their own agendas only to deny toleration to others once they are in power, that we can realize what a delicate balance and truly remarkable achievement it is. The 1657 Flushing Remonstrance and its references to the constitution of the Dutch Republic is a cornerstone in the process of extending that achievement in America, and should be remembered as such.

## Notes

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- i A.Th. Van Deursen, "Between Unity and independence: the application of the Union as a fundamental law," in *The Low Countries History Yearbook*, 14 (1981), 50-65. The text of the Union of Utrecht is in E.H. Kossman and A.F. Mellink, eds., *Texts concerning the Revolt of the Netherlands* (Cambridge, Eng., 1974), 165-73.
- ii Martin van Gelderen, *The Political Thought of the Dutch Revolt 1555-1590* (Cambridge, Eng., 1992), chapter 6, "Politics and religion (1572-1590): the debates on religious toleration and the substance of liberty," 213-59, and "Conclusions," 260-87. The reference to the 1339 treaty between Brabant and Flanders is on page 223.
- iii The text of the Flushing Remonstrance is found in Edmund B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York*, 15 vols. (Albany, 1853-1885), 14: 402-403. The original is in the New York State Archives, Albany.
- iv Ordinance Against Practising Any Religion Other than the Reformed, Feb. 1, 1656, in Charles T. Gehring, *Laws & Writs of Appeal 1647-1663* (Syracuse, N.Y. 1991), 55-56. The sentence of Tobias Feake is in O'Callaghan, *Documents Relative*, 14: 409. For a succinct recounting of the events surrounding the Flushing Remonstrance see George L. Smith, *Religion and Trade in New Netherland Dutch Origins and American Development* (Ithaca, N.Y., 1973), 224-31.
- v Provisionale Ordere (1624), Art. 2; Ordre van Regieringe (1629), Art. 9. See also Jacob A. Schiltkamp, "On Common Ground Legislation, Government, Jurisprudence, and Law in the Dutch West Indian Colonies: The Order of Government of 1629," in *de Halve Maen*, 70 (Winter 1997), 74.
- vi Jaap Jacobs, "Between Repression and Approval: Connivance and Tolerance in the Dutch Republic and New Netherland," *de Halve Maen*, 71 (Fall 1998), 51-58.
- vii For the early inroads of Quakers into New Netherland and New England see Patricia U. Bonomi, *Under the Cope of Heaven Religion, Society, and Politics in Colonial America* (Oxford, 1986), 25-29.
- viii Smith, *Religion and Trade*, 228-29; Fred J. Zweirlein, *Religion in New Netherland* (New York, 1950) 241; Edmund B. O'Callaghan, *History of New Netherland, or New York under the Dutch*, 2 vols. (New York, 1846), 2: 457.
- ix For the Dutch right of petition see Martha Dickinson Shattuck, "A Civil Society: Court and Community in Beverwijck, New Netherland, 1652-1664" (Ph.D. diss., Boston University, 1993), 200-216.
- x West India Company Directors to Stuyvesant, Apr. 16, 1663, Edward Tanjore Corwin, ed., *Ecclesiastical Records of the State of New York*, 7 vols. (Albany, 1901-1916), 1:530.
- xi A. J. F. van Laer, ed., *Documents Relating to New Netherland, 1624-1626, in the Henry E. Huntington Library* (San Marino, Cal., 1924), C2, 39; Jonathan Israel, *The Dutch Republic Its Rise, Greatness, and Fall 1477-1806* (Cambridge, Eng., 1995), 912.
- xii James Tanis, "The American Dutch, Their Church, and the Revolution," in J.W. Schulte Nordhold and Robert P. Swierenga, *A Bilateral Bicentennial: A History of Dutch-American Relations, 1782-1982* (Amsterdam, 1982), 116.

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- xiii English texts of the Union of Utrecht and Act of Abjuration are in E.H. Kossman and A.F. Mellink, eds., *Texts concerning the Revolt of the Netherlands* (Cambridge, Eng., 1974), 166-73, 216-28. For a discussion of their appearance in English and European works see Stephen E. Lucas, "The *Plakkaat van Verlatinge*: A Neglected Model for the American Declaration of Independence," in Rosemarijn Hoefte and Johanna C. Kardux, eds., *Connecting Cultures: The Netherlands in Five Centuries of Transatlantic Exchange* (Amsterdam: VU University Press, 1994), 187-207. Among the American almanacs in which they appear are *De AMERICAANSE Almanak, Voo't Jaar na Christi geboorte 1754* (New York), Edelman, *Dutch-American Bibliography*, 56;.
- xiv Lucas, "The *Plakkaat van Verlatinge*, 187-207, provides the most persuasive argument for Jefferson's use of the *Plakkaat* as a model in writing the Declaration of Independence. For the influence of these works on American constitutional development see James R. Tanis, "The Dutch-American Connection: The Impact of the Dutch Example on American Constitutional Beginnings," in Stephen L. Schechter and Richard B. Bernstein, eds., *New York and the Union: Contributions to the American Constitutional Experience* (Albany, NY, 1990), 22-28.